

EXHIBIT 61

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - -

4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD) (SN)

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10 JUNE 17, 2021

11 THIS TRANSCRIPT CONTAINS
12 CONFIDENTIAL MATERIAL

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16 Remote Videotaped
17 Deposition, taken via Zoom, of MUSSAED AL
18 JARRAH, commencing at 7:04 a.m., on the
19 above date, before Amanda Maslynsky-Miller,
20 Certified Realtime Reporter and Notary
21 Public in and for the Commonwealth of
22 Pennsylvania.

23

24 - - -

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28

29

1 THE WITNESS: Yes.

2 MS. BENETT: I asked -- the
3 first question is whether he saw
4 the name.

5 MR. SHEN: All right. You
6 can answer.

7 THE WITNESS: Yes.

8 MS. BENETT: Can we go to
9 the page prior, Page 5?

10 BY MS. BENETT:

11 Q. Under where it says,
12 Department, Islamic, do you see Mr.
13 Khalid Al Sowailem's name?

14 MR. SHEN: You can answer.

15 THE WITNESS: Yes.

16 BY MS. BENETT:

17 Q. And above that, Dr. Majed Al
18 Ghesheyan?

19 MR. SHEN: You can answer.

20 THE WITNESS: Yes.

21 BY MS. BENETT:

22 Q. And you recognize those
23 names as well, correct?

24 MR. SHEN: You can answer.

1 THE WITNESS: Yes, correct.

2 BY MS. BENETT:

3 Q. And Mr. Sowaillem was with
4 the Ministry of Islamic Affairs, wasn't
5 he?

6 MR. SHEN: You can answer.

7 THE WITNESS: Correct.

8 BY MS. BENETT:

9 Q. And Dr. Majed Al Ghesheyan
10 was with the Islamic Affairs department,
11 correct?

12 MR. SHEN: Objection. Can
13 you clarify? Do you mean at the
14 embassy? Can you clarify, Megan?

15 BY MS. BENETT:

16 Q. I'm just asking if Mr.
17 Ghesheyan worked for the Islamic Affairs
18 division, if he knows?

19 MR. SHEN: At the embassy?

20 MS. BENETT: Just generally.

21 MR. SHEN: Objection.

22 Vague.

23 You can answer the question
24 if you understand it.

1 THE WITNESS: He worked for
2 the embassy. He worked at the
3 embassy.

4 BY MS. BENETT:

5 Q. Okay. And he was on the
6 Islamic floor, correct?

7 MR. SHEN: Objection to the
8 term "Islamic floor." Vague and
9 ambiguous.

10 THE WITNESS: There's no
11 such thing as Islamic floor.

12 BY MS. BENETT:

13 Q. Okay. He was on -- he
14 worked on the second floor, didn't he?

15 MR. SHEN: Objection.

16 You can answer the question
17 whether he worked on the second
18 floor. And you can answer the
19 question whether you worked on the
20 second floor as well.

21 We can go back to that
22 question.

23 THE WITNESS: Yes.

24 BY MS. BENETT:

1 A. Correct.

2 Q. And directly below that it
3 says, Islamic main line?

4 A. The number 342-3700,
5 correct, yes.

6 Q. And this is -- your name is
7 at the bottom of what we can see on the
8 screen here right now.

9 This is the department where
10 you were located, correct?

11 A. Correct.

12 Q. And it's also where Mr. Al
13 Sowailem was located, correct?

14 MR. SHEN: Objection to
15 form.

16 I'm going to instruct you
17 not to testify to anything that
18 you know in your capacity as a
19 diplomatic agent.

20 You can answer otherwise.

21 THE WITNESS: I know in my
22 diplomatic capacity.

23 MS. BENETT: Andy, just to
24 be clear, is your position that

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1 the Vienna Convention is the basis
2 for your telling the witness not
3 to answer with respect to
4 questions about individuals -- the
5 identity of individuals who worked
6 at the embassy, not any of their
7 responsibilities or day-to-day
8 functions?

9 MR. SHEN: No. You can ask
10 about identities of individuals
11 who worked at the embassy. You
12 can't ask about --

13 BY MS. BENETT:

14 Q. Mr. Jarrah, did Mr. Al
15 Sowailem work at the embassy?

16 MR. SHEN: You can answer
17 yes or no.

18 THE WITNESS: Yes, yes. He
19 worked at the embassy.

20 BY MS. BENETT:

21 Q. And he was in the Ministry
22 of Islamic Affairs, correct?

23 MR. SHEN: You can answer
24 yes or no.

1 THE WITNESS: The Ministry
2 of Islamic Affairs? You mean he
3 works at the Ministry of Islamic
4 Affairs?

5 BY MS. BENETT:

6 Q. Correct.

7 A. Correct.

8 Q. And Dr. Ghesheyen also
9 worked out of the embassy, correct?

10 A. Correct.

11 Q. And he was Islamic Affairs
12 department?

13 A. Correct.

14 Q. And if I were to call you
15 there, would I call you directly at
16 944-3137?

17 A. No. Mostly the call would
18 be through the operator, 3700.

19 Q. And then the operator would
20 put me through to you, for example?

21 A. Correct.

22 MS. BENETT: We can take
23 that off the screen.

24 Actually, can we leave that

1 up, side by side. We're going to
2 go on the FBI record, but I want
3 the two documents side by side.

4 VIDEO TECHNICIAN: One
5 moment. We're going to go on the
6 FBI record.

7 - - -

8 (FBI Protected Material.)

9 - - -

10 VIDEO TECHNICIAN: I should
11 have everyone in. If I forgot
12 anyone by chance, please say
13 something now. But you should be
14 all set.

15 MS. BENETT: Can we pull up
16 Exhibit-203? And go to the last
17 page.

18 MS. INT-HOUT: I'm sorry,
19 what was the number?

20 MS. BENETT: It's Exhibit --
21 it might say FBI --

22 MS. INT-HOUT: Is it a
23 phone --

24 MS. BENETT: It should be

1 it.

2 MR. SHEN: I see. That's
3 just the source of the phone
4 number. It's not the actual call
5 records?

6 MS. BENETT: Yes, yes, yes.

7 MR. SHEN: Okay. Thank you.

8 BY MS. BENETT:

9 Q. So, Mr. Jarrah, if you look
10 at Exhibit-762, you'll see there are two
11 pages that list 64 entries, all of which
12 involve phone calls to your 6261
13 number --

14 INTERPRETER MIKHAIL: Is the
15 question done?

16 MS. BENETT: No, not yet.

17 BY MS. BENETT:

18 Q. -- and are calls that were
19 made from a number that is associated
20 with Fahad al-Thumairy.

21 And my question to you is,
22 what did you discuss with Mr. Thumairy?

23 MR. SHEN: Objection to the
24 premise of the question.

1 You can answer.

2 THE WITNESS: Honestly, I do
3 not remember these phone calls.
4 There are many phone calls. I
5 don't remember.

6 What kind of document is
7 this?

8 BY MS. BENETT:

9 Q. This is a document that
10 lists the number of calls and the dates
11 and times of calls between numbers
12 associated with Mr. Thumairy and your
13 personal cell phone number.

14 And the question is, what
15 did you discuss with Mr. Thumairy?

16 MR. SHEN: Objection. If
17 you can make a representation to
18 the witness that you created the
19 document.

20 THE WITNESS: What I meant
21 is that I don't remember that
22 these calls took place.

23 BY MS. BENETT:

24 Q. Do you remember ever calling

1 Mr. Thumairy yourself?

2 A. There was a phone call
3 between us. Whether he called me or I
4 called him, I don't remember. But there
5 was a phone call.

6 Q. Just one phone call?

7 A. What I know, what I remember
8 is one phone call specifically. That's
9 what I remember. I remember this phone
10 call.

11 Q. When did that phone call
12 happen?

13 A. I believe it was 2003. He
14 was in Saudi Arabia and he called from
15 Saudi Arabia.

16 Q. What stuck out in your mind
17 about that phone call?

18 A. Because he was in Saudi and
19 he wanted to come back to his job.

20 Q. Was he having problems
21 getting back?

22 A. I don't know.

23 Q. Well, why would he call you
24 to discuss that?

1 A. His supervisor, who is
2 Khalid Al Sowailem, told him to call me
3 to extend his work. It's about his work
4 in Saudi. Because he wants to come back
5 again. To extend for him.

6 Q. When you say "to come back,"
7 you mean come back to the U.S.?

8 A. Correct.

9 Q. And you said that
10 Sowailem -- Khalid Al Sowailem called
11 you?

12 MR. SHEN: Objection.

13 Do not testify as to any of
14 your diplomatic functions,
15 including conversations that you
16 had with anyone in your capacity
17 as a diplomat.

18 I'm going to allow you to
19 testify to conversations that you
20 had with Mr. al-Thumairy.

21 THE WITNESS: My
22 conversation with al-Thumairy,
23 when he was in Saudi Arabia, was
24 not in a personal capacity. It

1 was in a diplomatic capacity.

2 MR. SHEN: You can testify
3 as to --

4 MS. BENETT: Your lawyer
5 actually told you you can answer
6 the questions involving Mr.
7 Thumairy.

8 So let me rephrase this.

9 BY MS. BENETT:

10 Q. As I understand it from your
11 testimony, Mr. Thumairy reached out, in
12 2003, because he wanted to come back to
13 his job in the U.S.; is that correct?

14 A. No, I'm sorry. The phone
15 call was in a diplomatic capacity but not
16 a personal capacity.

17 MR. SHEN: I'm going to
18 allow you to testify as to your
19 phone call with Mr. Thumairy and
20 what you discussed.

21 THE WITNESS: (In English)
22 Okay.

23 (Through Interpreter) He
24 called. He was in Saudi in 2003.

1 He wanted to expedite his return
2 to America with the Islamic
3 Affairs.

4 (In English) With Islamic
5 ministry, not affairs.

6 (Through Interpreter) With
7 Islamic Ministry.

8 BY MS. BENETT:

9 Q. He called you -- when in
10 2003 was this?

11 A. I don't remember. But I
12 think in 2003. I don't remember.

13 Q. Do you remember if it was
14 early in 2003?

15 A. Unfortunately, I don't
16 remember.

17 Q. Or the summer of 2003?

18 A. I told you, I don't
19 remember.

20 Q. Okay. So Fahad al-Thumairy
21 was in the Kingdom and he called you
22 because he wanted to come back to his job
23 in the United States within the Ministry
24 of Islamic Affairs, which was run by

1 Khalid Al Sowailem.

2 As a result of that call,
3 was Thumairy's delegation extended?

4 MR. SHEN: Objection to
5 form.

6 You can testify as to your
7 conversations and interactions
8 with Mr. Thumairy. Do not testify
9 as to any of your other diplomatic
10 work that did not involve your
11 interactions with Mr. Thumairy.

12 THE WITNESS: I don't know.

13 BY MS. BENETT:

14 Q. Sorry, I'm not quite sure at
15 this point what you're answering. Let me
16 ask this within Mr. Shen's parameters.

17 In your interactions with
18 Fahad al-Thumairy in 2003, did you extend
19 his term?

20 A. Honestly, I don't know.

21 Q. You don't know if it was
22 extended?

23 A. Yes, because it doesn't come
24 to me. I have no relationship to the

1 subject.

2 Q. Well, why did Thumairy call
3 you, then?

4 A. He was wondering, and he
5 said that the Ministry of Islamic Affairs
6 took a lot of time in taking the decision
7 of sending him back. And I told him that
8 he has to contact the Ministry.

9 Q. When you say "the Ministry,"
10 what do you mean?

11 A. His Ministry, the Ministry
12 of Islamic Affairs.

13 Q. Were you and Fahad
14 al-Thumairy friendly?

15 A. No.

16 Q. Well, do you have any reason
17 why he thought you were the person to
18 call in 2003?

19 A. I have no reason.

20 Q. Did you ever have an
21 opportunity to pray alongside Fahad
22 al-Thumairy?

23 A. No. Unfortunately, no.

24 Q. Did you ever visit the --

1 did you ever pray at the Omar bin
2 El-Khattab Mosque?

3 A. Where is this?

4 Q. In Los Angeles.

5 A. No.

6 Q. Did you ever have a chance
7 to visit that mosque?

8 MR. SHEN: Objection.

9 Vienna Convention. The witness
10 has testified that he did not take
11 any personal trips to Los Angeles.

12 So you can answer the
13 question to the extent that you
14 ever visited that mosque in your
15 personal capacity. Do not
16 disclose the work that you've done
17 as a diplomatic agent.

18 THE WITNESS: I answered
19 that one.

20 MS. BENETT: We can take
21 the -- by the way, we can go back
22 off the FBI record.

23 I just want to be clear,
24 Andy, you're saying that anything

1 the number 202-342-3700?

2 A. Correct, I see.

3 Q. And if we could -- and
4 that's -- is that the embassy general
5 number?

6 A. Yes.

7 Q. And do you know who would
8 have answered that phone call that day?

9 MR. SHEN: Objection.

10 Vienna Convention.

11 I'm going to instruct you
12 not to answer.

13 Strike that. Let me ask a
14 threshold question.

15 Do you have knowledge, one
16 way or another, yes or no?

17 THE WITNESS: What is the
18 question? What's the question?

19 MR. SHEN: The question is,
20 do you have knowledge, one way or
21 another, as to who would have
22 answered that phone call that is
23 being identified on the page; yes
24 or no?

1 THE WITNESS: No.

2 BY MS. BENETT:

3 Q. Did you ever speak to Omar
4 al-Bayoumi when you were at the embassy?

5 A. I don't know him.

6 Q. You never had a phone call
7 with him?

8 A. Never.

9 Q. You don't remember -- you
10 don't remember him being put through to
11 talk to you on the phone?

12 A. Never.

13 Q. And you never -- you never
14 made a call from your number to Mr.
15 Bayoumi?

16 A. I don't know him. I don't
17 know him.

18 Q. Well, have you heard his
19 name before today?

20 A. I heard his name, after the
21 September events, from the media.

22 Q. And what did you hear?

23 A. What did I hear? Whatever
24 the press published.

1 Q. Who do you think Omar -- who
2 do you understand Omar Bayoumi to be?

3 A. I don't know him,
4 unfortunately.

5 Q. You said that you heard of
6 him through the media, and I'm asking you
7 what your understanding is of who Mr.
8 Bayoumi is, who he was?

9 A. I don't know him. But I
10 heard that he was involved, as per what
11 the press published.

12 Q. When you say "involved,"
13 what do you mean?

14 A. Like, what the press
15 mentioned.

16 Q. I'm asking you what that is.

17 A. I don't have information.

18 Q. So when you say he was
19 involved, what -- what do you understand
20 that to mean?

21 A. He was accused.

22 Q. Of what?

23 A. Of the September events.

24 Q. Of doing what?

1 A. I don't know.

2 Q. Mr. Jarrah --

3 A. I don't have -- I don't have
4 details.

5 Q. What did you read about him?

6 A. That he's accused in the
7 September 11th attacks.

8 Q. Of having done what?

9 A. I do not know. Generally,
10 in a general sense.

11 Q. Did you ever take a phone
12 call from Mr. Bayoumi when you were at
13 the embassy?

14 A. I do not know him at all.

15 Q. Did anybody ever take -- did
16 you ever hear of anybody at the embassy
17 receiving a phone call from Omar
18 al-Bayoumi?

19 MR. SHEN: Objection.

20 Vienna Convention. The witness
21 can testify as to any interactions
22 that he had with Mr. al-Bayoumi.
23 You're asking the witness now
24 about knowledge that he gained as

1 a diplomatic agent.

2 Mr. Al Jarrah, you can
3 answer the threshold question of,
4 do you have knowledge of the
5 subject matter, one way or
6 another, yes or no?

7 THE WITNESS: There was no
8 communication between me or him,
9 or any telephone calls.

10 MS. BENETT: Just to be
11 clear, Andy, your objection now is
12 to any questions that explore Mr.
13 Bayoumi's contact within the
14 embassy; is that right?

15 MR. SHEN: We're laying the
16 foundation first. You can ask him
17 whether he has knowledge of it,
18 and then we can ask whether he has
19 knowledge gained through his work
20 through a diplomatic agent, if he
21 has any knowledge.

22 So the threshold question
23 is, does he have any knowledge of
24 calls made from Mr. Bayoumi to the

1 first date of a record is January 27th,
2 1998.

3 MS. BENETT: And if we go to
4 the last page.

5 BY MS. BENETT:

6 Q. And the last record is
7 August 15th, 2001.

8 Do you see there are 188
9 records in this document?

10 A. Yes, I do see it.

11 Q. Of those 188 phone calls,
12 how many did you participate in?

13 MR. SHEN: Objection.

14 You can answer if you -- if
15 you know.

16 THE WITNESS: I have no
17 knowledge.

18 BY MS. BENETT:

19 Q. When you say you "have no
20 knowledge," are you saying you don't
21 remember?

22 MR. SHEN: Objection.

23 THE WITNESS: One more time.

24 (In English) What's the

1 question exactly?

2 (Through Interpreter) What's
3 the question exactly?

4 BY MS. BENETT:

5 Q. Which, if any, of those 188
6 phone calls from Thumairy or Bayoumi did
7 you participate in?

8 MR. SHEN: Objection. It's
9 an unfair question.

10 You haven't been shown the
11 entire document.

12 You can answer the question
13 as to any phone calls you remember
14 having with Thumairy or Bayoumi.

15 THE WITNESS: No, I do not
16 have -- I did not participate in
17 the phone calls.

18 BY MS. BENETT:

19 Q. So you're saying that you
20 never spoke with Fahad al-Thumairy or
21 Omar al-Bayoumi on the phone?

22 A. Prior, I did mention that
23 that I spoke with Fahad al-Thumairy.

24 But Omar al-Bayoumi, I did

1 not know him, nor did I have any phone
2 calls with him.

3 Q. And Fahad al-Thumairy, when
4 did you speak with him?

5 A. The instance that you pulled
6 out my telephone number and Fahad
7 al-Thumairy's number, that was the one
8 instance.

9 Q. The record of the telephone
10 call that was on Mr. Thumairy's phone
11 bill that I showed you?

12 MR. SHEN: Objection.

13 If you could just be precise
14 as to the date.

15 MS. BENETT: And I'm waiting
16 for an answer to the question.

17 MR. SHEN: Objection. It's
18 an unfair question.

19 MS. BENETT: You can answer.

20 MR. SHEN: You can answer if
21 you understand it.

22 THE WITNESS: Repeat the
23 question, please.

24 188 calls. Do you mean that

1 I made those calls?

2 BY MS. BENETT:

3 Q. These are calls that came
4 into -- or that came from numbers
5 registered to Thumairy or Bayoumi.

6 And my question was, which
7 or how many of those calls from Thumairy
8 or Bayoumi did you participate in?

9 MR. SHEN: Objection to the
10 mischaracterization of the
11 records.

12 You can answer the question
13 if you understand it.

14 THE WITNESS: (In English)
15 Hello?

16 MR. SHEN: We can hear you.
17 Who is translating?

18 INTERPRETER MIKHAIL: Can
19 you please repeat it?

20 THE WITNESS: (In English) I
21 dropped.

22 (Through Interpreter) It
23 pertains not to me.

24 MS. BENETT: Sorry, Rodina,

1 was taken.)

2 - - -

3 VIDEO TECHNICIAN: We're
4 back on the record. The time is
5 12:39 p.m.

6 - - -

7 (Whereupon, a discussion off
8 the record occurred.)

9 - - -

10 BY MS. BENETT:

11 Q. All right, Mr. Jarrah. I'd
12 like to -- so we left with, when we
13 broke, we were talking about phone calls.

14 MR. SHEN: We're not on the
15 FBI record right now, Megan.

16 MS. BENETT: I know. I'm
17 not saying anything about the
18 content of the calls. I'm just
19 saying we left discussing phone
20 calls.

21 MR. SHEN: Okay.

22 MS. BENETT: I'd like to
23 pull up Exhibit -- you know what,
24 I'm sorry, we're going to have to

1 go on the FBI record.

2 VIDEO TECHNICIAN: One
3 second.

4 - - -

5 (FBI Protected Material.)

6 - - -

7 VIDEO TECHNICIAN: Okay.

8 We're all good.

9 MS. BENETT: Can we go to
10 Exhibit-685?

11 MR. SHEN: Can you just read
12 off the Bates number, please?

13 MS. BENETT: FBI 1343. Go
14 to the Arabic page for the
15 witness.

16 BY MS. BENETT:

17 Q. Can you see that, Mr.
18 Jarrah?

19 A. Yes.

20 Q. Okay. And do you see this
21 is a letter addressed to you?

22 A. May I read it?

23 Q. Yes.

24 A. Yes, I read it.

1 Q. Okay. And this letter is
2 addressed to you; is that correct?

3 A. As it says.

4 Q. Okay. And it's signed by
5 Omar al-Bayoumi, correct?

6 A. I don't know.

7 Q. Well, at the bottom, does it
8 say, Your brother, the sign off?

9 A. Omar son of Ahmed
10 al-Bayoumi.

11 Q. Okay. And that is Omar
12 al-Bayoumi, correct?

13 A. Whatever it says.

14 Q. Okay. It says Omar
15 al-Bayoumi, doesn't it?

16 A. It says Omar al-Bayoumi.

17 Q. Okay. And it's a letter
18 addressed to you that says it is in
19 reference to a phone call, correct?

20 A. Yes.

21 Q. And it's talking about
22 furniture, Qurans, book and booklets for
23 a mosque in California, right?

24 A. Like it says.

1 Q. Well, is that what it says?

2 A. This is the first time I see
3 this letter.

4 Q. Okay. Is that what it says?

5 A. Yes.

6 Q. And it is addressed to Mr.
7 Mussaed Al Jarrah, is it not?

8 A. Like it says, yes.

9 Q. Okay.

10 MS. BENETT: And let's go to
11 Exhibit-686. And that's FBI 1344.

12 BY MS. BENETT:

13 Q. Is that also addressed to,
14 Kind brother, Mussaed Al Jarrah?

15 A. Yes, like it says. Correct.

16 Q. And it's regarding the
17 opening of the King Fahad Mosque, right?

18 A. One minute. Let me read it.

19 (In English) Okay.

20 (Through Interpreter) Yes.

21 Okay. Yes.

22 Q. And it is signed by, Your
23 brother, Omar al-Bayoumi, correct?

24 A. Just like it says.

1 Q. Okay. And is that what it
2 says?

3 A. That's what it says,
4 correct.

5 Q. Do you remember speaking
6 with Mr. Bayoumi before the opening of
7 the King Fahad Mosque?

8 A. Not at all.

9 Q. When --

10 A. Not at all.

11 Q. If a request came in for
12 support, such as described in
13 Exhibit-685, would there be a record of
14 that request anywhere?

15 MR. SHEN: Objection.

16 Vienna Convention.

17 I'm going to instruct the
18 witness not to answer any
19 questions about the records of the
20 embassy.

21 MS. BENETT: About the what,
22 Andy?

23 MR. SHEN: About the records
24 of the embassy or its records

1 practices.

2 MS. BENETT: Well, I
3 don't -- I'm not asking for the
4 contents of the records. I'm just
5 asking if this request would have
6 been logged, yes or no?

7 MR. SHEN: I'm instructing
8 him not to answer that question.

9 MS. BENETT: Andy, are you
10 saying that whether there was a
11 record itself, not the content of
12 the record, whether there was a
13 record itself, falls within your
14 Convention objection?

15 MR. SHEN: The diplomatic
16 practices of the embassy fall
17 within that exception.

18 Let's establish some
19 foundation, though.

20 Mr. Al Jarrah, you can
21 answer the question yes or no as
22 to whether you have knowledge, one
23 way or the other, as to whether
24 any request would have been

1 When I say "the general
2 area," I mean within that distance,
3 within -- and, again, the drawing might
4 help you orient yourself.

5 But I'm just asking if the
6 folks who are highlighted here were
7 all -- not next to each other, but seated
8 in the same general portion of the second
9 floor?

10 MR. SHEN: Okay. All right.
11 Objection. Vienna Convention.

12 The witness is not going to
13 testify as to where individuals
14 who were working at the embassy
15 were seated.

16 You asked about Mr.
17 Sowailem. I allowed him to
18 testify, very generally, as to the
19 distance from his office. And now
20 you're asking additional
21 questions. It's completely
22 improper.

23 So I'm not going to allow
24 him to testify to questions about

1 layout of the embassy and where
2 particular offices were.

3 MS. BENETT: Obviously, we
4 disagree, Andy.

5 BY MS. BENETT:

6 Q. Mr. Jarrah, let me ask you
7 this: How many people did you work with
8 in the Islamic Affairs division on the
9 second floor of the embassy?

10 MR. SHEN: You can answer
11 that question.

12 THE WITNESS: The number of
13 people? How many?

14 BY MS. BENETT:

15 Q. Correct.

16 A. I need time to remember.

17 MR. SHEN: Did we lose the
18 translator?

19 MS. BENETT: No, I think
20 he's working on the answer, Andy.

21 INTERPRETER AL-HALABI: The
22 answer was, I need time to
23 remember. That was his answer.

24 BY MS. BENETT:

1 Q. Are you looking at --

2 A. (In English) Yes, I'm
3 looking at this.

4 Q. -- it right now?

5 A. No more than nine.

6 Q. And does that include MOIA
7 individuals?

8 A. What's MOIA?

9 Q. The Ministry of Islamic
10 Affairs.

11 A. Can you repeat the question
12 one more time?

13 Q. So you estimated that there
14 were no more than nine folks --

15 A. (In English) In Islamic
16 Affairs.

17 Q. And I was asking did that
18 nine include Ministry of Islamic Affairs
19 or was it only Islamic Affairs division?

20 A. No, it does not include the
21 Ministry of Islamic Affairs.

22 Q. And how many more was that
23 on the second floor?

24 A. I don't know their number.

1 Q. Was -- you said Mr.
2 Ghesheyen was Islamic Affairs division.
3 How far away from his office
4 was yours?

5 MR. SHEN: All right. You
6 can answer that question.

7 This is going to be the last
8 of the layout of the embassy
9 questions that he answers.

10 THE WITNESS: My office is
11 next to his office.

12 BY MS. BENETT:

13 Q. And of the names that are
14 highlighted right here, are there any
15 Ministry of Islamic Affairs employees
16 that you knew who are not listed?

17 MR. SHEN: Objection.

18 Objection. Vienna Convention.

19 The witness is not going to
20 testify as to personnel who worked
21 in the embassy.

22 THE WITNESS: I have no
23 knowledge of that.

24 BY MS. BENETT:

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - -

4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD) (SN)

6

7

8

9 - - -

10 JUNE 18, 2021

11 VOLUME II

12 THIS TRANSCRIPT CONTAINS
13 CONFIDENTIAL MATERIAL

14 - - -

15

16

17 Remote Videotaped

18 Deposition, taken via Zoom, of MUSSAED AL

19 JARRAH, commencing at 7:00 a.m., on the

20 above date, before Amanda

21 Maslynsky-Miller, Certified Realtime

22 Reporter and Notary Public in and for the

23 Commonwealth of Pennsylvania.

24

25 - - -

26 GOLKOW LITIGATION SERVICES

27 877.370.3377 ph | 917.591.5672 fax

28 deps@golkow.com

29

1 BY MS. BENETT:

2 Q. Yeah, were you aware of
3 this?

4 A. No.

5 Q. You were not -- and were
6 you -- when you were working -- sorry,
7 when you were -- with respect to Mr.
8 Thumairy and the conversation you had in
9 2003, did the two of you discuss the fact
10 that he had been in the United States
11 fraudulently on a visa?

12 MR. SHEN: Objection to
13 form.

14 THE WITNESS: I don't
15 understand the question. This
16 document in front of me mentions
17 2004.

18 BY MS. BENETT:

19 Q. I'm now asking you about Mr.
20 Thumairy.

21 MR. SHEN: It's a separate
22 question, Mr. Jarrah.

23 THE WITNESS: Can you repeat
24 the question?

1 BY MS. BENETT:

2 Q. Sure.

3 Did you and Mr. Thumairy
4 ever discuss the fact that he had been in
5 the United States on a diplomatic visa?

6 A. No, I don't remember.

7 Q. When he called you in 2003
8 about trying to get back to the United
9 States, did you discuss his visa status?

10 A. No.

11 Q. Did you ever have a
12 conversation with Mr. Thumairy about his
13 visas?

14 A. I don't remember, no.

15 Q. And you testified yesterday
16 that when you spoke with Mr. Thumairy in
17 2003, he told you that he had been in
18 touch -- he wanted to come back to the
19 U.S. and had been in touch with Mr.
20 Sowailem. But he called you as well.

21 Do you remember that
22 testimony?

23 A. Yes. He called Al Sowailem,
24 and Sowailem informed me that Thumairy

1 will be calling me. He said, Thumairy
2 will be calling you.

3 And he wanted a
4 recommendation from the embassy for him
5 to go back to his post.

6 Q. And to do that he got in
7 touch with you?

8 A. Yes. Per his manager's
9 instruction.

10 MR. SHEN: Is that -- whose
11 pinging is that? Is that a text
12 message or is somebody recording?

13 INTERPRETER MIKHAIL: That's
14 Marwan telling me he's going to
15 come on in a minute. I apologize.

16 MS. BENETT: Rodina, I'm
17 almost done. Why don't you stay
18 on? I'm almost finished. Okay?

19 INTERPRETER MIKHAIL: No
20 problem.

21 BY MS. BENETT:

22 Q. I just have a couple more
23 questions for you, Mr. Thumairy.

24 I'm going to go back to your

1 first meeting with the FBI agents.

2 Do you remember talking
3 about that?

4 A. The FBI agents, when they
5 came and met with me?

6 Q. Yes.

7 A. Yes.

8 Q. Okay. Do you remember
9 yesterday when we talked you said that
10 they -- and today -- they approached you
11 when you were coming out of your home and
12 heading to your car?

13 A. They came directly to the
14 house.

15 Q. And you came out of your
16 house initially when you saw them?

17 A. I don't remember.

18 Q. Okay. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

1 THE WITNESS: What's the
2 question?

3 BY MS. BENETT:

4 Q. The question was -- when you
5 said cooperation, I asked -- you said
6 answering the questions, I asked, by that
7 do you mean answering the questions that
8 they posed to you about their
9 investigation?

10 A. Yes, answer their questions,
11 the questions they were asking to me.
12 Cooperate with them by answering the
13 questions.

14 Q. I want to ask you about --
15 this is the last couple of questions --
16 about Saleh Hussayen, Saleh Ibn Abdul
17 Rahman Hussayen.

18 Do you recognize that name?

19 MS. BENETT: I'll put it in
20 the chat.

21 THE WITNESS: I don't know
22 him.

23 BY MS. BENETT:

24 Q. You never met that person?

1 A. No.

2 Q. Have you ever seen him in
3 D.C.?

4 A. No. I don't know him.

5 MS. BENETT: That's all we
6 have.

7 MR. SHEN: Do the other
8 defendants have questions?

9 MR. NITZ: Nothing from us,
10 Andy.

11 MR. SHEN: All right.
12 Excellent. I have a few questions
13 for redirect.

14 - - -

15 EXAMINATION

16 - - -

17 BY MR. SHEN:

18 Q. This is Andy Shen, counsel
19 for Saudi Arabia.

20 Mr. Jarrah, I just have a
21 few questions for you this afternoon.

22 Prior to the 9/11 attacks,
23 sir, had you ever heard the names Khalid
24 al-Mihdhar or Nawaf al-Hazmi?

1 A. No, not at all.

2 Q. Prior to the 9/11 attacks,
3 had you heard the names of any of the
4 9/11 hijackers?

5 A. No, not at all.

6 Q. Prior to the 9/11 attacks,
7 did you ever discuss Khalid al-Mihdhar or
8 Nawaf al-Hazmi, or any of the 9/11
9 hijackers, with anybody?

10 A. No, not at all.

11 MR. SHEN: We need to go on
12 the FBI record, please.

13 VIDEO TECHNICIAN: One
14 second.

15 - - -

16 (FBI Protected Material.)

17 - - -

18 VIDEO TECHNICIAN: Everyone
19 should be in.

20 MR. SHEN: Chris, can you
21 introduce Tab 74? Bates stamp is
22 FBI 001027.

23 - - -

24 (Whereupon, Exhibit

1 Al Jarrah-787, FBI 1027-1032, was
2 marked for identification.)

3 - - -

4 BY MR. SHEN:

5 Q. I'm introducing, for the
6 record, Exhibit-787. It's a document
7 Bates stamped FBI 001027 through FBI
8 1032.

9 Sir, what I'm showing you is
10 a report that was produced by the FBI.
11 It is dated March 20th of 2014.

12 MR. SHEN: If we could look,
13 please, at the Page FBI 1031.

14 BY MR. SHEN:

15 Q. There is a heading that
16 says, Synopsis of, and the remainder of
17 the heading is redacted.

18 INTERPRETER AL-HALABI: I'm
19 sorry, I didn't hear that.

20 BY MR. SHEN:

21 Q. There's a heading that says,
22 Synopsis of, and the remainder of the
23 heading is redacted.

24 And the paragraph underneath

1 that says that, redacted name, Is an
2 investigation into individuals known to
3 have provided substantial assistance to
4 9/11 hijackers, Nawaf Hazmi and Khalid
5 al-Mihdhar, during their time in
6 California prior to the attacks. Named
7 subject include Fahad al-Thumairy, Omar
8 al-Bayoumi and Mussaed Al Jarrah. These
9 subjects provided or directed others to
10 provide the hijackers with assistance in
11 daily activities, including procuring
12 living quarters, financial assistance and
13 assistance in obtaining flight lessons
14 and driver's licenses.

15 Mr. Al Jarrah, did you ever
16 provide any assistance whatsoever to
17 Khalid al-Mihdhar or Nawaf al-Hazmi?

18 MR. HAEFELE: Objection.
19 Form.

20 THE WITNESS: No, not at
21 all.

22 BY MR. SHEN:

23 Q. Did you ever provide any
24 assistance to any of the 9/11 hijackers?

1 MR. HAEFELE: Form.

2 THE WITNESS: No, not at

3 all.

4 BY MR. SHEN:

5 Q. Did you ever instruct anyone

6 else to provide assistance to Khalid

7 al-Mihdhar, Nawaf al-Hazmi or any of the

8 other 9/11 hijackers?

9 MR. HAEFELE: Form.

10 THE WITNESS: No, not at

11 all.

12 BY MR. SHEN:

13 Q. Did anyone instruct you to

14 provide assistance to Khalid al-Mihdhar,

15 Nawaf al-Hazmi or any of the 9/11

16 hijackers?

17 MS. BENETT: Objection.

18 Andy, we're going to object to

19 your entire line of leading

20 questions on ultimate issues here.

21 Totally improper. This is your

22 witness. You're not allowed to

23 lead him.

24 MR. SHEN: Your objection is

1 noted.

2 MS. BENETT: Andy, also, I
3 need to make another objection
4 now. You're going into topical
5 areas that you prohibited us from
6 inquiring into.

7 Obviously, our efforts to
8 learn what Mr. Jarrah did during
9 the course of his work, you
10 precluded entirely with your
11 Vienna Convention objections.

12 You are not allowed to now,
13 on your examination, go into these
14 topics without giving us an
15 opportunity to inquire as well.

16 MR. SHEN: Your objection is
17 noted. As I said before the
18 deposition, you're entitled to ask
19 about any assistance that was
20 provided at all to the hijackers.

21 Despite spending more than
22 11 and-a-half -- more than 12
23 hours on the record asking
24 questions, you didn't ask a single

1 question about any of the 9/11
2 hijackers, for obvious reasons.
3 So your objection is noted.

4 MS. BENETT: Andy, if we're
5 going to get into this, then I
6 would like to be able to ask Mr.
7 Jarrah the questions about the
8 communications that he had during
9 the course of his employment for
10 the Kingdom of Saudi Arabia in
11 Washington, D.C. that we believe
12 will circumstantially go to the
13 proof of our case.

14 MR. SHEN: Your objection --

15 MS. BENETT: You prevented
16 us from doing that.

17 MR. SHEN: Your objection is
18 noted. I'm asking my questions.

19 Let me ask the question
20 again.

21 BY MR. SHEN:

22 Q. Did anyone instruct you to
23 provide assistance to Khalid al-Mihdhar,
24 Nawaf al-Hazmi or any of the 9/11

1 hijackers?

2 MR. HAEFELE: Form.

3 MS. BENETT: Objection.

4 THE WITNESS: No, not at
5 all.

6 BY MR. SHEN:

7 Q. Do you have any knowledge of
8 any assistance that anyone else provided
9 to Khalid al-Mihdhar, Nawaf al-Hazmi or
10 any of the 9/11 hijackers?

11 MR. HAEFELE: Objection.

12 THE WITNESS: No, I don't
13 have any. No.

14 BY MR. SHEN:

15 Q. Did you have any knowledge
16 at all that Khalid al-Mihdhar and Nawaf
17 al-Hazmi were in the United States prior
18 to the 9/11 attacks?

19 MR. HAEFELE: Objection.

20 THE WITNESS: No, I have no
21 knowledge.

22 BY MR. SHEN:

23 Q. On the next page of this
24 document, there is a sentence that says,

1 quote, There is evidence that Al
2 Jarrah -- redacted text -- tasked
3 al-Thumairy and al-Bayoumi with assisting
4 the hijackers.

5 A. Not at all. That's
6 incorrect.

7 Q. Prior to the 9/11 attacks --

8 MR. HAEFELE: Objection.

9 MS. BENETT: There was no
10 question.

11 MR. HAEFELE: There was no
12 question for him to respond to.

13 Objection. I didn't have an
14 opportunity to object. Nobody can
15 object without a question.

16 MR. SHEN: You can state
17 your objection.

18 MR. HAEFELE: Objection.

19 Form. Foundation. Scope.

20 BY MR. SHEN:

21 Q. Prior to the 9/11 attacks,
22 did you even know who Mr. Omar al-Bayoumi
23 was?

24 MR. HAEFELE: Same

1 objection.

2 THE WITNESS: No.

3 BY MR. SHEN:

4 Q. Did you ever give Omar
5 al-Bayoumi any instructions to do
6 anything?

7 MR. HAEFELE: Same
8 objection.

9 THE WITNESS: No.

10 BY MR. SHEN:

11 Q. Did you give Omar al-Bayoumi
12 instructions to assist any of the 9/11
13 hijackers?

14 MR. HAEFELE: Same
15 objections.

16 MS. BENETT: Objection.

17 THE WITNESS: No, not at
18 all.

19 BY MR. SHEN:

20 Q. Do you have any knowledge
21 whatsoever of any interactions that Omar
22 al-Bayoumi had with any of the 9/11
23 hijackers?

24 MR. HAEFELE: Same

1 objections.

2 THE WITNESS: Not at all. I
3 have no knowledge whatsoever.

4 BY MR. SHEN:

5 Q. Prior to the 9/11 attacks,
6 did you have any relationship with Fahad
7 al-Thumairy?

8 MR. HAEFELE: Objection.

9 INTERPRETER AL-HALABI:

10 There was feedback. Sorry.

11 BY MR. SHEN:

12 Q. Prior to the 9/11 attacks,
13 did you have any relationship with Fahad
14 al-Thumairy?

15 MR. HAEFELE: Objection.

16 THE WITNESS: Relationship?

17 BY MR. SHEN:

18 Q. Yes, sir.

19 A. Relationship? No personal
20 relationship.

21 Q. Did you ever instruct Fahad
22 al-Thumairy to do anything?

23 MR. HAEFELE: Same

24 objections.

1 MS. BENETT: Objection.

2 THE WITNESS: No, not at

3 all.

4 BY MR. SHEN:

5 Q. Did you ever instruct Fahad

6 al-Thumairy to assist any of the 9/11

7 hijackers?

8 MR. HAEFELE: Same

9 objections.

10 THE WITNESS: No, not at

11 all. No.

12 BY MR. SHEN:

13 Q. Do you have any knowledge of

14 any interactions between Fahad

15 al-Thumairy and any of the 9/11

16 hijackers?

17 MR. HAEFELE: Same

18 objections.

19 THE WITNESS: I have no

20 knowledge.

21 BY MR. SHEN:

22 Q. Do you have any knowledge of

23 any interactions that the 9/11 hijackers

24 had with anybody?

1 MR. HAEFELE: Same
2 objections.

3 THE WITNESS: No, not at
4 all.

5 BY MR. SHEN:

6 Q. All right.

7 MR. SHEN: I have no further
8 questions.

9 MS. BENETT: Just give us a
10 second, Andy. Give us five
11 minutes.

12 VIDEO TECHNICIAN: I have to
13 let them back in.

14 - - -

15 (End of FBI Protected
16 Material.)

17 - - -

18 MR. SHEN: We're going to
19 take a break for five minutes, Mr.
20 Jarrah.

21 MS. BOSCH: Before we go
22 off --

23 VIDEO TECHNICIAN: Abigael,
24 are you there? Go ahead. We're

1 not off yet.

2 MS. BOSCH: Sorry,
3 everybody, I was on mute.

4 This is counsel for Dubai
5 Islamic Bank just noting we were
6 excluded at 2:28 and re-admitted
7 at 2:42 Eastern Time.

8 Thank you.

9 VIDEO TECHNICIAN: We're
10 going to go off the record. The
11 time is 2:42 p.m.

12 - - -

13 (Whereupon, a brief recess
14 was taken.)

15 - - -

16 VIDEO TECHNICIAN: We're
17 back on the record. 2:46 p.m.

18 MS. BENETT: Mr. Jarrah,
19 we're not going to ask any more
20 questions at this time.

21 Andy, it's our position that
22 we're just suspending this
23 deposition pending production of
24 the 302s and any other FBI